Council Implementing Decision (EU) 2020/1114 of 23 July 2020 approving amendments to the Rules of Procedure of Eurojust

COUNCIL IMPLEMENTING DECISION (EU) 2020/1114

of 23 July 2020

approving amendments to the Rules of Procedure of Eurojust

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2018/1727 of the European Parliament and of the Council of 14 November 2018 on the European Union Agency for Criminal Justice Cooperation (Eurojust), and replacing and repealing Council Decision 2002/187/JHA[(1)], and in particular Article 5(5) thereof,

Having regard to the Rules of Procedure of Eurojust[(2)], as adopted on 20 December 2019,

Whereas:

(1) The College of Eurojust (the 'College') may amend the Rules of Procedure of Eurojust (the 'Rules of Procedure') following the same procedure for their adoption upon a proposal of the Executive Board or of one-third of the members of the College, in accordance with Article 5(5) of Regulation (EU) 2018/1727 and Article 18 of the Rules of Procedure. Such amendments to the Rules of Procedure are to be approved by the Council by means of implementing acts.

(2) Draft amendments to the Rules of Procedure were approved, in accordance with Article 5(5) of Regulation (EU) 2018/1727, by the College on 14 July 2020.

(3) The amendments to the Rules of Procedure should be approved by the Council.

(4) Denmark is not bound by Regulation (EU) 2018/1727 and is therefore not taking part in the adoption and application of this Decision, which implements Regulation (EU) 2018/1727.

(5) Ireland is bound by Regulation (EU) 2018/1727 and is therefore taking part in the adoption and application of this Decision, which implements Regulation (EU) 2018/1727,

HAS ADOPTED THIS DECISION:

Article 1

The amendments to the Rules of Procedure of Eurojust attached to this Decision are hereby approved.

Article 2

This Decision shall enter into force on the date of its adoption.

Changes to legislation: *There are currently no known outstanding effects for the Council Implementing Decision (EU) 2020/1114. (See end of Document for details)*

Done at Brussels, 23 July 2020.

For the Council

The President

M. ROTH

***Changes to legislation:** There are currently no known outstanding effects for the Council Implementing Decision (EU) 2020/1114. (See end of Document for details)*

ANNEX

AMENDMENTS TO THE RULES OF PROCEDURE OF EUROJUST

THE COLLEGE OF EUROJUST,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 85 thereof,

Having regard to Regulation (EU) 2018/1727 of the European Parliament and of the Council of 14 November 2018 on the European Union Agency for Criminal Justice Cooperation (Eurojust) and replacing and repealing Council Decision 2002/187/JHA,[(3)] hereinafter referred to as 'the Eurojust Regulation', and in particular Article 5(5) thereof,

Having regard to the Rules of Procedure of Eurojust[(4)] approved by the Council by Implementing Decision (EU) 2019/2250 of 19 December 2019[(5)] and adopted by the College on 20 December 2019, hereinafter referred to as the 'Rules of Procedure', and in particular Articles 2, 3, 5 and 18 thereof,

Whereas:

In accordance with Article 5(5) of the Eurojust Regulation and Article 18 of the Rules of Procedure, the College may amend Eurojust's Rules of Procedure following the same procedure for their adoption upon a proposal of the Executive Board or one-third of the members of the College. Any amendment shall be on the basis of a two-thirds majority of the members of the College. In the event that an agreement cannot be reached by a two-thirds majority, the decision shall be taken by simple majority during the next meeting of the College.

The Member States, in response to the COVID-19 pandemic, have taken a number of extraordinary preventive and containment measures. Those measures have made it very difficult or impossible for the members of the College to be physically present at College meetings held on Eurojust premises or at any alternative location. This, in turn, has made it problematic to reach the quorum required by Article 6(1) of the Rules of Procedure and for the College to hold formal meetings and ensure decision-making.

It has become necessary for the Rules of Procedure to allow the College to hold meetings using technical means, including via video conference, when extraordinary events or circumstances beyond the control of the members of the College prevent the College from meeting in accordance with the requirements of Articles 2, 3, 5(2) and 6(1) of the Rules of Procedure, in order to ensure institutional business continuity,

HAS DECIDED AS FOLLOWS:

Article 1

Amendments to the Rules of Procedure

Article 2 of the Rules of Procedure is hereby amended as follows:

A new paragraph (13) is added:

> In accordance with the requirements of the second paragraph of Article 5(2) of these Rules of Procedure, meetings of the College for the election of the President may be organised using technical means, including via video conference. These technical means shall allow for anonymous electronic voting by members of the College to